

## **REMARKS**

Claims 1-6 are now pending in the application. By this amendment claims 1-6 have been amended. Reconsideration is respectfully requested.

### **The Rejections under 35 USC § 112**

The Examiner has rejected the claims under 35 U.S.C. § 112, second paragraph because the word “canceling” in “restriction canceling apparatus...” is found to be unfitting. While applicants traverse this rejection and maintain that “canceling” is an appropriate word to describe the operation of the invention, applicants have amended the claim language to use the term “removing” in its place. Applicants do so with the understanding that this substitution does not constitute a narrowing amendment (i.e., “to cancel a restriction and “to remove a restriction” have essentially the same scope). Applicants are thus making this amendment to use language that may be deemed more common in standard American English.

### **The Rejections under 36 USC § 103**

The Examiner has rejected all claims as being unpatentable over Sako in view of Shah-Nazaroff. Reconsideration is respectfully requested.

With regard to one aspect of the applicants’ invention the content (such as an application program, image files, video files, MIDI files, and the like) is stored as a plurality of related parts (the original claims used the term “relating” parts, but this has been changed to utilize more natural American English phraseology). The related parts are adapted to be combined to express the content as a plurality of selectable grades,

as illustrated in applicants' Fig. 5. By way of example, if the content is a MIDI file (as might be used for playback on a music synthesizer or computer sound card circuit) the plurality of grades might correspond to different levels of output quality or content quality. Grade 3 might correspond to a monophonic melody of a highlight portion of the music; grade 2 might correspond to the entire melody; grade 1 might correspond to the entire melody plus accompaniment.

Each of the grades is expressed by different combinations of the plurality of the related parts. In the MIDI example, part A might correspond to the highlight portion of the melody; part B to the remainder of the melody; and part C to the accompaniment. Thus grade 3 would be expressed by playback of part A only; grade 2 would be expressed by playback of parts A and B combined; grade 1 would be expressed by playback of parts A, B and C combined.

To regulate grade selection, at least some of the related parts have an associated "restriction" that inhibits the associated part from being combined to express the content. Thus, in the above MIDI example, grade 3 would be expressed by virtue of the associated restrictions associated with parts B and C. Grade 1 would be expressed by using the restriction removing data to remove (or cancel) the restriction associated with parts B and C.

The references cited by the Examiner do not teach or contemplate this type of grade selection through selective combination of stored parts by removing restrictions using stored restriction removing data.

As the Examiner has noted, the Sako reference does not teach a plurality of restriction removing data, each corresponding to one of said parts, and a second

receiver that receives a second request for transmission of at least one restriction removing data and a second transmitter that transmits the restriction removing data to the client upon a second request.

In addition, Sako does not employ grade selection through selective combination of stored parts. Rather, Sako employs different data formats (e.g., CD-DA, ATRAC, MIDI, etc.) which are selectively delivered to the end user, based on what the user has paid for. It would not be appropriate to "combine" CD-DA with MIDI, for example. Thus, Sako could not be readily modified to implement the applicants' invention.

Likewise, Shah-Nazaroff does not employ grade selection through selective combination of stored parts. Instead, Shah-Nazaroff contemplates broadcasting the program content to the end user at the quality level (e.g., video resolution) that the user has paid for. Shah-Nazaroff also discloses that upgradeable features, such as view-only vs recordable content can be implemented, based on user purchase. However, these added features are not effected through a selective combination of stored parts by removing restrictions using stored restriction removing data.

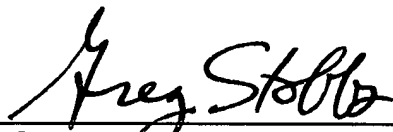
Therefore, in order to more fully distinguish the applicants' invention from the cited references, the independent claims have been amended to recite that the content consists of a plurality of related parts that are adapted to be combined to express said content as a plurality of selectable grades. The claims have been further amended to recite that at least some of said parts have an associated restriction that inhibits that part from being combined to express said content. Further, the claims have been amended to recite restriction removing data, each corresponding to one of said

parts and that functions to permit that part to be combined, to thereby select which of said plurality of grades is expressed.

In view of these amendments, it is respectfully submitted that the claims now fully distinguish applicants' invention over the cited references. Allowance of the application is therefore courteously solicited. Should the Examiner have any questions regarding this response, the Examiner is respectfully encouraged to call the undersigned at 248-641-1600.

Respectfully submitted,

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